REMARKS

This is a full and timely response to the outstanding final Office Action mailed October 19, 2006 and the Advisory Action mailed January 17, 2007. Reconsideration and allowance of the application and pending claims 1-42 are respectfully requested.

I.   Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Nigar Chowdhury and Examiner Thai Tran spent with Applicants' representatives Blake Dorr (USPTO Reg. No. 54,711) and David Rodack (USPTO Reg. No. 47,034) during a telephone discussion on March 16, 2007, regarding the outstanding Office Action and Advisory Action. During that conversation, Applicants discussed claim 1 and the *Moon* reference. Applicants' representatives asserted that neither the *Moon* reference nor the other references cited in the final Office Action or Advisory Action disclose a management file, and asked Examiners Chowdhury and Tran where in *Moon* a management file can be found. Examiners Chowdhury and Tran concluded that a management file is not disclosed in *Moon* and suggested Applicants file a response after final re-asserting these arguments and summarizing the Examiner interview. Applicants' representatives indicated that such a response would be filed by Monday, March 19, 2007, and Examiners Chowdhury and Tran indicated that they would reconsider the arguments with the possibility of allowance.

II.   **Claim Rejections - 35 U.S.C. § 103(a)**

A.   **Rejection of Claims**

Claims 1-6, 9, 13, 20, 22-27, 30, 34, and 41 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* ("*Unger*," U.S. Pat. No. 6,985,669) in view of *Moon et al.* ("*Moon*," U.S. Pat. No. 6,211,858). Claims 10 and 31 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* and by *Moon* in view of *Doherty et al.* ("*Doherty,*" U.S. Pat. No. 6,920,567). Claims 7, 8, 11, 12, 28, 29, 32, and 33 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* and by *Moon* in view of *Sullivan et al.* ("*Sullivan,*" U.S. Pat. No. 6,591,421). Claims 14-19 and 35-40 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* and by *Moon* in view of *Riffee* ("*Riffee,*" U.S. Pat. No. 5,675,375). Claims 21 and 42 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Unger* in view of *Sullivan, Riffee, Moon,* and *Doherty*. Applicants respectfully traverse these rejections.

B.   **Discussion of the Rejection**

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquires, also expressed in MPEP 2100-116, are as follows:

(A)   Determining the scope and contents of the prior art;

(B)   Ascertaining the differences between the prior art and the claims in issue;

(C)   Resolving the level of ordinary skill in the pertinent art; and

(D)   Evaluating evidence of secondary considerations.

Applicants respectfully submit that a *prima facie* case of obviousness is not established

using the art of record.

Independent Claim 1

Claim 1 recites (with emphasis added):

1. A media content recording system in a subscriber television system, comprising:
a memory for storing logic;
a buffer space for buffering a plurality of media content instances; and
a processor configured with the logic to designate as permanent only a media content instance among the plurality of media content instances in the buffer space that is requested by a user for permanent recording, *the processor configured with the logic to designate as permanent through configuration of a status flag of a management file corresponding to the media content instance.*

Applicants respectfully submit that *Unger* in view of *Moon* fails to disclose, teach, or suggest at least the above-emphasized claim features. The Office Action correctly notes on page 3 that *Unger* "fails to disclose the processor configured with the logic to designate as permanent through configuration of a status flag of a management file corresponding to the media content instance." However, Applicants respectfully submit that *Moon* fails to remedy this deficiency.

As admitted by Examiners Chowdhury and Tran as set forth above in the Examiner Interview section of this response, *Moon* fails to disclose a management file. Thus, Applicants respectfully submit that a prima facie case of obviousness with respect to independent claim 1 has not been established, and the rejection should be withdrawn for these reasons.

Because independent claims 1 and 22 are allowable over *Unger* in view of *Moon*, dependent claims 2-6, 9, 13, and 20 are allowable as a matter of law for at least the reason that the dependent claims 2-6, 9, 13, and 20 contain all elements of their respective base claim. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Independent claim 22

Claim 22 recites (with emphasis added):

> 22.   A media content recording method in a subscriber television system, comprising the steps of:
>   buffering a plurality of media content instances into a buffer space; and
>   ***designating as permanent*** only a media content instance among the plurality of media content instances in the buffer space that is requested by a user for permanent recording, ***wherein designating comprises configuring a status flag of a management file corresponding to the media content instance.***

Applicants respectfully submit that *Unger* in view of *Moon* fails to disclose, teach, or suggest at least the above-emphasized claim features for similar reasons as discussed regarding claim 1 above. Thus, Applicants respectfully request the rejection of claim 22 be withdrawn

Because independent claim 22 is allowable over *Unger* in view of *Moon*, dependent claims 23-27, 30, 34, and 41 are allowable as a matter of law.

Dependent Claims 10 and 31

Applicants submit that as provided above, independent claims 1 and 22 are allowable over *Unger* in view of *Moon*. Applicants respectfully submit that *Doherty* does not remedy the above-described deficiencies of *Unger* in view of *Moon*. Thus, for at least the reasons that dependent claims 10 and 31 incorporate the features of respective allowable claims 1 and 22, dependent claims 10 and 31 are allowable as a matter of law.

Dependent Claims 7-8, 11-12, 28-29, and 32-33

Applicants submit that as provided above, independent claims 1 and 22 are allowable over *Unger* in view of *Moon*. Applicants respectfully submit that *Sullivan* does not remedy the above-described deficiencies of *Unger* in view of *Moon*. Thus, for at least the reasons that dependent claims 7-8, 11-12, 28-29, and 32-33 incorporate the features of

respective allowable claims 1 and 22, dependent claims 7-8, 11-12, 28-29, and 32-33 are allowable as a matter of law.

Dependent Claims 14-19 and 35-40

Applicants submit that as provided above, independent claims 1 and 22 are allowable over *Unger* in view of *Moon*. Applicants respectfully submit that *Riffee* does not remedy the above-described deficiencies of *Unger* in view of *Moon*. Thus, for at least the reasons that dependent claims 14-19 and 35-40 incorporate the features of respective allowable claims 1 and 22, dependent claims 14-19 and 35-40 are allowable as a matter of law.

Independent Claims 21 and 42

Claims 21 and 42 recite (with emphasis added):

21.   A media content recording system in a subscriber television system, comprising:
      a memory for storing logic;
      a buffer space for buffering a plurality of media content instances; and
      a processor configured with the logic to provide a user interface, responsive to input from the user, that segregates the media content instances of the buffer space into separately identifiable media content instances and enables the user to select and permanently record at least one of the media content instances, wherein the processor is further configured with the logic to enable the user to permanently record a displayed media content instance of the buffer space by selecting a button on an input device during any buffered and displayed frame of the media content instance to be permanently recorded, wherein the processor is further configured with the logic to select one of the media content instances at any point within a buffered start and end time of the media content instance for permanent recording, wherein the processor is further configured with the logic to maintain a management file for each of the buffered media content instances, *wherein the processor is further configured with the logic to maintain a status flag in the management file wherein the status flag is configured as temporary for a buffered media content instance that is not designated for permanent recording, wherein the processor is further configured with the logic to configure the status flag of the management file for a buffered media*

content instance as permanent when the user requests that said media content instance be permanently recorded, wherein the processor is further configured with the logic to cause the permanently recorded media content instance to have a permanent designation in a file allocation table in response to having the status flag of the corresponding management file configured as permanent, such that the buffer space storing the permanently recorded media content instance becomes designated as non-buffer space, wherein the processor is further configured with the logic to use media content instance guide data to determine the start time and stop time of a media content instance buffered into the buffer space, wherein the processor is further configured with the logic to determine the receipt time into the buffer space by using the time indicated by an internal clock, wherein the processor is further configured with the logic to configure the media content instances as media content instance files, wherein the processor is further configured with the logic to use titles of the media content instances from media content instance guide data as media content instance file names, wherein the management file includes channel number, the media content instance title, and the source of the media content instance, wherein the processor is further configured with the logic to cause the buffer space of the permanently recorded media content instance to be designated as non-buffer space, wherein the processor is further configured with the logic to buffer analog broadcast media content instances, received at a communications interface, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer an analog signal received at a connector from a consumer electronics device, as a digitally compressed media content instance, wherein the processor is further configured with the logic to buffer digital broadcast media content instances, received at a communications interface, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media-on-demand media content instances, received at a communications interface from a remote server, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local network, as digitally compressed media content instances, wherein the processor is further configured with the logic to buffer digital media content instances, received at a digital communications port from a local device, as digitally compressed media content instances, wherein the processor is further configured with the logic to designate as permanent only the selected media content instance

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among the plurality of media content instances in the buffer space that is requested by the user for permanent recording, wherein the processor is further configured with the logic to delete the permanently designated media content instance as requested by the user.

42.   A media content recording method in a subscriber television system, comprising the steps of:

buffering a plurality of media content instances;

providing a user interface, responsive to input from the user, that segregates the media content instances of the buffer space into separately identifiable media content instances and enables the user to select and permanently record at least one of the media content instances;

enabling the user to permanently record a displayed media content instance of the buffer space by selecting a button on an input device during any buffered and displayed frame of the media content instance to be permanently recorded;

selecting one of the media content instances at any point within a buffered start and end time of the media content instance for permanent recording;

maintaining a management file for each of the buffered media content instances;

maintaining a status flag in the management file wherein the status

   flag is configured as temporary for a buffered media content instance that is not designated for permanent recording;

configuring the status flag of the management file for a buffered

   media content instance as permanent when the user requests that said media content instance be permanently recorded;

causing the permanently recorded media content instance to have a

   permanent designation in a file allocation table in response to having the status flag of the corresponding management file configured as permanent, such that the buffer space storing the permanently recorded media content instance becomes designated as non-buffer space;

using media content instance guide data to determine the start time

   and stop time of a media content instance buffered into the buffer space;

determining the receipt time into the buffer space by using the time

   indicated by an internal clock;

configuring the media content instances as

   media content instance files;

using titles of the media content instances from media content

> instance guide data as the file names, wherein the
> management file names include channel number, the
> media content instance title, and the source of the media
> content instance;
>
> causing the buffer space of the permanently recorded media
> content instance to be designated as non-buffer space;
>
> buffering analog broadcast media content instances, received at a
> communications interface, as digitally compressed media
> content instances;
>
> buffering an analog signal received at a connector from a
> consumer
> electronics device, as a digitally compressed media
> content instance;
>
> buffering digital broadcast media content instances, received at a
> communications interface, as digitally compressed media
> content instances;
>
> buffering digital media-on-demand media content instances,
> received at a communications interface from a remote
> server, as digitally compressed media content instances;
>
> buffering digital media content instances, received at a digital
> communications port from a local network, as digitally
> compressed media content instances;
>
> buffering digital media content instances, received at a digital
> communications port from a local device, as digitally
> compressed media content instances;
>
> designating as permanent only the selected media content
> instance
> among the plurality of media content instances in the
> buffer space that is requested by the user for permanent
> recording; and
>
> deleting the permanently designated media content instance as
> requested by the user.

Applicants respectfully submit that *Unger* in view of *Sullivan, Riffee, Moon,* and *Doherty* fails to disclose, teach, or suggest at least the above-emphasized claim features for similar reasons as discussed above regarding claim 1. Namely, none of the cited references disclose the configuration of a **management file**. Thus, Applicants respectfully request that the rejections of claims 21 and 42 be withdrawn.

CONCLUSION

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, and similarly interpreted statements, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

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